

Hellerstein, A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRACIELA ROMAN, on behalf of herself and all others
similarly situated,

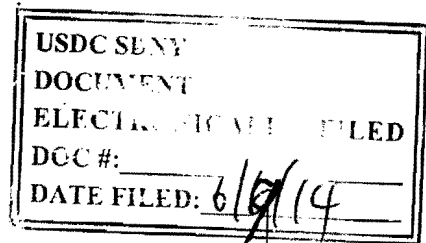
Plaintiffs,

-against-

THE DINEX GROUP, LLC, and DANIEL BOULUD,

Defendants.

Case No. 12 CV 6156



**STIPULATION APPROVING SETTLEMENT AND DISBURSEMENT OF
SETTLEMENT FUNDS**

WHEREAS, Plaintiff Graciela Roman commenced this putative Fair Labor Standards Act ("FLSA") collective action pursuant to 29 U.S.C. §216(b) on or about August 10, 2012; and,

WHEREAS, eighty-seven (87) individuals have properly opted in to the collective action;

WHEREAS, one additional consent to join this action erroneously was filed in the instant action;

WHEREAS, the parties entered into a settlement agreement and submitted that agreement to the Court for approval under the FLSA on January 29, 2014 (DKT 128-130);

WHEREAS, the parties appeared before the Honorable Judge Alvin K. Hellerstein on February 4, 2014 regarding their application for approval of the settlement; and

WHEREAS, the Court directed certain modifications be made to the settlement agreement;

WHEREAS, the parties conferred regarding the Court's instructions and submitted revisions to the agreement in conformity with the Court's directive on April 2, 2014 (DKT 138);

WHEREAS, the Court approved the proposed settlement and notice process as modified (DKT 139);

WHEREAS, notice has been mailed to the Plaintiffs in conformity with the modified settlement agreement and no Plaintiff has timely elected to opt out of the settlement, it is now, therefore, agreed:

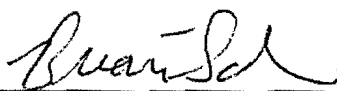
1. The settlement is finally approved as to all Plaintiffs and the third party administrator is directed to mail settlement checks to all Plaintiffs and Plaintiffs' counsel.

2. Pursuant to the terms of the parties' agreement, the notice (DKT 138 at 8) and the Court's Order (DKT 139), Plaintiffs have ninety (90) days to cash their settlement checks from the date the check is mailed, or such settlement payments shall revert to Defendants and such Plaintiffs shall be subject to a motion to dismiss with prejudice for failure to prosecute. Fitapelli & Schaffer are hereby relieved as counsel for any such Plaintiffs.

3. The erroneously-filed Consent to Join of Michael Grubstein (DKT 97) is stricken from this case.

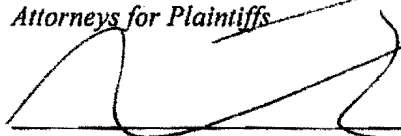
Dated: June 5, 2014

By:


Brian S. Schaffer, Esq.
Fitapelli & Schaffer, LLP
475 Park Avenue South, 12th Fl.
New York, New York 10016
~~Attorneys for Plaintiffs~~

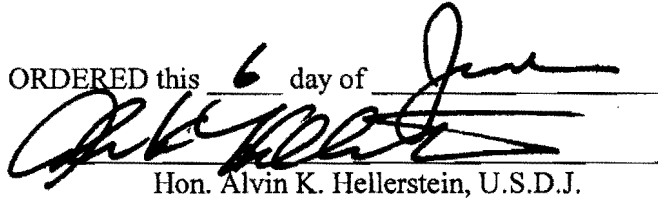
Dated: June 5, 2014

By:



Felice B. Ekelman, Esq.
Noel P. Tripp, Esq.
Jackson Lewis P.C.
666 Third Avenue
New York, New York 10017
(212) 545-4000
Attorneys for Defendants

SO ORDERED this 6 day of June, 2014


Hon. Alvin K. Hellerstein, U.S.D.J.

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4852-6815-3882, v. 2